### **REMARKS**

Reconsideration of the application in light of the amendments and the following remarks is respectfully requested.

## **Status of the Claims**

Claims 1-19 are pending. Claims 1, 4, and 14 have been amended. No new matter has been added.

## Finality of the October 27, 2005 Office Action

Applicants submit the finality of the current Office Action should be withdrawn as premature. The Examiner claims "Applicant's [sic] amendment necessitated the new grounds of rejection" and deemed the current Office Action final. (Detailed Action, page 11.) In each of the prior Office Actions, the Examiner failed to address the "database" features as recited in claim 12. Indeed the Examiner has consistently failed to address this feature of claim 12 on its merits in each of the prior rejections. Although the "database" feature was in the original claims, the Examiner has made no mention of this feature until the present Final Office Action.

Claim 12, as filed, recites:

a database for storing information about irregularities issued from said at least one fuel cell electricity generating device in association with information relating to said service company corresponding to said irregularity information;

means for notifying said service company associated with said irregularity by looking up said database upon detection of an

irregularity in said at least one fuel cell electricity generating device.

Throughout prosecution, Applicants have continuously maintained that the cited prior art does not disclose nor suggest each feature of claim 12. The features of claim 12 have steadfastly included the "database" feature. Until the present Office Action, the Examiner has not addressed Applicants' assertions that each feature of claim 12 is neither disclosed nor suggested by the prior art. By not addressing each feature of claim 12 in the prior Office Actions, the Examiner has failed to give claim 12 a full examination on its merits. Applicants submit that the new grounds for rejection that were not necessitated by Applicants' amendment. Accordingly, Applicants respectfully request the Examiner withdraw the finality of the present Office Action as premature in accordance with MPEP § 706.07(d) and enter the current amendment as a matter of right.

## Rejection Under 35 U.S.C. § 103

Claims 1-4, 6-11, 14-16 and 18-19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,973,481 to Thompson et al. ("Thompson") in view of U.S. Patent No. 6,311,105 to Budike, Jr. ("Budike") further in view of U.S. Publication No. 2004/0167853 to Sharma ("Sharma"). The Examiner contends that Thompson discloses most of the features recited in claims 1-4, 6-11, 14-16 and 18-19. However, the Examiner acknowledges that Thompson does not disclose the electricity provider using the Internet for billing and payment of the electricity service. The Examiner cites Budike as disclosing a multi-utility energy control system and method, wherein a controlled wireless network is provided, including the Internet, for

purchasing electricity in a real time environment. The Examiner also acknowledges that Thompson and Budike do not "specifically teach billing a consumer maintenance and operating service fee[s]." (Detailed Action, page 5.) The Examiner relies on new reference Sharma as disclosing an "integrated system for electronic utility bill presentment and payment over the internet" and states it would have been obvious to combine Sharma's disclosure with Thompson and Budicke to yield Applicants invention as claimed in claims 1-4, 6-11, 14-16 and 18-19. (Detailed Action, page 3-4.)

Claims 5, 12-13, and 17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Thompson, Budike, and Sharma in view of U.S. Patent No. 6,589,682 to Fleckner et al. ("Fleckner"). The Examiner alleges Fleckner discloses "a system for fuel cells arrangement, including moniotoring instrumentation 22 (Fig. 1)" and "which conveys data related to the functional status of the fuel cells, fuel level, etc., over a wireless communication network." (Detailed Action, page 8.)

All claims were rejected under at least the combination of Thompson, Budike, and Sharma. Applicants submit this combination is improper and fails to teach or suggest the features as cited by the Examiner. Because all amended claims now include a "database" feature and an "Internet virtual financial institution," the claims will be discussed together while only noting where a different result is appropriate based on specific features of an individual claim.

claimed by Applicant. Applicants submit that no other art of record, including Sharma, discloses or suggests such features.

Applicants further submit that Sharma fails to disclose Applicants' claimed "Internet virtual financial institution." Sharma also teaches away from the claimed invention and otherwise discloses no motivation to combine with the other references.

#### Amended claim 1 recites:

a database configured to store and manage information collected at the at least one generator unit, the information selected from the group comprising detection information, generator unit specification information, maintenance information, and service company information;

the management center being operable to access the database information so as to provide unified management over the information.

Amended claim 14 recites similar subject matter. Amended claim 4 claims the specific relationship features of the database. Previously presented claim 12 recites its original features regarding the database which Applicants submit are not disclosed or suggested by the art of record. Support for these claim features can be found in at least the Specification, at page 12, lines 11-20; page 13, lines 9-14; and original Claim 12. Applicants respectfully request reconsideration and withdrawal of the rejection in light of the amendments to the claims.

All claims now recite a "database" (claims 1-13) or "storage means configured to store and manage" (claims 14-19) feature in all claims. The Examiner relies on Thompson as

disclosing "receiving said data at a central computer" at column 2, lines 33-39 and states this alleged disclosure "indicates the database for storing data." (Detailed Action, page 7.)

Applicants submit that Thompson does not disclose "receiving said data at a central computer" at "column 2, lines 33-39" as cited by the Examiner and does not otherwise disclose or suggest the use of a database. (Detailed Action, page 7.) At the portion of Thompson relied on by the Examiner, Thompson discloses "transmitting the selected operating parameters to the central computer." At best, Thompson inherently discloses the use of computer memory to store data. One of ordinary skill in the art would recognize that the use of computer memory for mere storage of data does not disclose or suggest the use of a database to both store and manage data. The Examiner appears to be impermissibly relying on hindsight in asserting that Thompson discloses or suggests Applicants' claimed "database."

Of the prior art relied upon in the current Office Action, the only suggestion of any "database" or any type of storage means with management capabilities is in new reference Sharma. Sharma, however, is directed to a third party billing database "for storing data relating to a plurality of billers, and corresponding to a plurality of consumers." (Claim 1.) Sharma does not teach or suggest a database (claims 1-13) or storage means (claims 14-19) that manages device specifications for generator units; maintenance information; and/or information regarding the service companies performing maintenance/management operations; and the like as claimed in independent claims 1, 12, and 14 and the claims that depend therefrom.

Independent claims 1, 12, and 14 recite "Internet virtual financial institution that supports transactions that bill an electricity supply service." Applicants submit that the Sharma reference fails to teach or suggest this feature as claimed. In contrast to Applicants' claimed invention, Sharma discloses a "secure personalized portfolio for viewing and paying electronic bills that are input into system embodiment 10 by various billers." (Paragraph 50.) Sharma discloses a system that requires "converting data from said plurality of billers into a format compatible with said database." (Sharma, claim 1.) In contrast, the presently claimed "Internet virtual financial institution." Applicants' "Internet virtual financial institution" receives data from the database and "the electricity provider 4 bills electricity consumers 2a, 2b for electricity supply services." (Specification, page 18, lines 24-25.)

Sharma teaches away from the claimed invention by disclosing that the bills are "input into system embodiment 10 by various billers." (Sharma, paragraph 50.) This disclosure is in direct opposition to Applicants' claimed "Internet virtual financial institution" feature which allows the electricity provider to "bill an electricity supply service fee to each of said at least one specific electricity consumer based on information received from said management center," as recited in claim 1. Thus, Sharma specifically teaches away from the claimed invention. For the above-demonstrated reasons, the combination of Thompson, Budike, and Sharma neither discloses nor suggests the features of claims 1-19 and thus, Applicants submit that the Examiner failed to meet the burden of establishing a *prima facie* case of obviousness.

present in claim 1. Applicants submit that claims 2-4 and 6-11 are patentable over Thompson, Budike, and Sharma for at least the same reasons as claim 1 as discussed above. Claims 15-16 and 18-19 depend from claim 14 and claim additional features not present in claim 14. Applicants

Claims 2-4 and 6-11 depend from claim 1 and contain additional features not

submit that claims 15-16 and 18-19 are patentable over Thompson, Budike, and Sharma for at

least the same reasons as claim 14 as discussed above. Therefore, Applicants request withdrawal

and reconsideration of the rejection regarding Claims 1-4, 6-11, and 14-19.

Claim 5 depends from claim 1 and, thus, recites all the features of claim 1 plus additional features directed to fuel cells. Therefore, Applicants submit that claim 5 is patentable over the combination of Thompson, Budike, Sharma, and Fleckner for at least the same reasons as claim 1. Claim 17 depends from claim 14 and contains all the features of claim 14 plus additional features directed to fuel cells. Applicants submit that claim 17 is patentable over the combination of Thompson, Budike, Sharma, and Fleckner for at least the same reasons as claim 14. Claim 13 depends from claim 12 and, thus, recites all the features of claim 12 plus additional features directed to fuel cells. Therefore, Applicants submit that claim 13 is patentable over the combination of Thompson, Budike, Sharma, and Fleckner for at least the same reasons as claim 12 discussed above.

Reconsideration and withdrawal of these rejections is requested.

# **CONCLUSION**

Each and every point raised in the Office Action dated October 27, 2005 has been addressed on the basis of the above amendments and remarks. In view of the foregoing, the finality of the present Office Action should be withdrawn as premature and this Amendment entered as a matter of right. Claims 1-19 are in condition for allowance and it is respectfully requested that all pending claims be allowed and the case passed to issue.

If there are any other issues remaining which the Examiner believes could be resolved through a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned at the telephone number indicated below.

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Respectfully submitted,

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